

INFORMATION PAPER

AMCCC-G
16 July 1997

SUBJECT: Receipt of Gifts from Foreign Governments

1. **Purpose.** To summarize the rules concerning gifts from foreign governments.

2. **Facts.**

a. The Constitution prohibits anyone holding a position of trust from accepting a gift from a foreign government without the consent of Congress.

b. Congress passed a law that applies to Federal employees, experts or consultants under contract, members of the uniformed services (this includes retired members and Reservists), and their spouses and dependents. This law:

(1) Prohibits requesting or encouraging a gift from a foreign government;

(2) Permits acceptance and retention of an unsolicited gift of minimal value “tendered and received as a souvenir or mark of courtesy” from a foreign government; and

(3) Permits acceptance of an educational scholarship or medical treatment.

c. Congress also permits the acceptance of a tangible gift of more than minimal value:

(1) If refusal would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, *but*:

(2) It is accepted on behalf of the United States and, upon acceptance, becomes the property of the United States; and

(3) Within 60 days, the recipient must turn the gift over to his or her agency. In the Army, the repository for such gifts from foreign governments is:

Commander, PERSCOM
ATTN: TAPC-PDO-IP
200 Stovall Street
Alexandria, VA 22332-0474

POC: Mr. Tom Feazell, (703) 325-4530

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e. When turning in a gift of more than “minimal value” from a foreign government, include the following information:

- (1) Name and title of recipient (advise if you wish to purchase the gift);
- (2) Brief description of the gift, date of acceptance and estimated value;
- (3) Identification of the foreign donor and government;
- (4) The circumstances justifying acceptance on behalf of the United States.

f. “Minimal value” is defined by the General Services Administration. It is currently \$245 or less retail value in the United States. The burden to establish “minimal value” is on the recipient of the gift.

(1) All gifts presented at a single event by the same foreign Government are combined to determine whether “minimal value” has been exceeded.

(2) This combination includes the gifts to the spouse, if any, at the same event.

(3) To determine retail value in the United States, check catalogs and retail establishments that sell substantially similar items; ask dealers who might carry such an item what they think it might sell for; if applicable, check auction realizations for similar items.

(4) If the uniqueness of the gift require significant judgment as to its retail value, and you are inclined to conclude that its value is close to, but not more than, \$245, you may wish to make a written request for an ethics opinion concerning your conclusion.

g. The law and regulations also permit the acceptance of travel and travel expenses from foreign governments of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, permitted by the employing agency, and the travel takes place entirely outside the United States. Never accept gifts of travel expenses (whether the travel is personal or official) without first consulting with your Ethics Counselor.

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